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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,330

06/06/2007

Manfred Hartmann

741438-69

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78198

7590

03/09/2010

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EXAMINER

ROY, SIKHA

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

03/09/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,330	<b>Applicant(s)</b> HARTMANN, MANFRED	
	<b>Examiner</b> Sikha Roy	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Amendment, filed on December 22, 2009 has been entered and acknowledged by the Examiner.

In light of amendment the objection to claim 2 and 112 second paragraph rejection have been withdrawn.

Claims 1-14 are pending in the instant application.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

--- Electroluminescent Display with multiple non-coherent partial image areas---

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2,922,076 to Sack et al. and further in view of USPN 3,890,039 to Cantarano.

Regarding claim 1 Sack discloses (Figs. 1, 3 col. 2 lines 26-72, col. 3 lines 40-75) an electroluminescent display having an at least partially transparent carrier

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(support member) 20, a transparent electrode layer 22 situated on the carrier 20, a luminescent layer 24 containing electroluminophores which represents image area, a rear electrode 26 in a region of majority of the image area, an insulating layer 28 which has recess in the area of the rear electrode 26, contact layer 30 situated on at least a part of the area of the insulating layer 28 for contacting the rear electrode. It is noted that Sack discloses the contact layer(connective electrodes or conductive pillars) 30 are formed through the insulating layer and hence it is inherent that there is recess in the insulating layer through which the contact layer passes and contacts the rear electrode.

Sack discloses the contact made of electrically conductive varnish but does not expressly disclose the contact layer to be transparent.

Cantarano in pertinent art discloses (col. 4 lines 22-27) the use of high conductive transparent varnish (NESA). It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Thus, it would have been obvious to one having ordinary skills in the art at the time the invention was made to have transparent conductive varnish as contact layer of Sack, since the selection of known materials for a known purpose is within the skill of the art.

Regarding claim 2 Sack discloses the transparent electrode made of transparent conductive material. Catarano discloses the use of conductive transparent varnish (NESA) for transparent electrode. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Thus, it would

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have been obvious to one having ordinary skills in the art at the time the invention was made to have transparent electrode made of transparent conductive varnish, since the selection of known materials for a known purpose is within the skill of the art.

Regarding claim 3 Sack and Catarano disclose the contact layer is made of transparent conductive varnish.

Regarding claim 4 Sack discloses the insulating layer 28 is made of transparent glass.

Regarding claim 5 Sack discloses the display having a rear insulating layer 32.

Regarding claim 6 Sack discloses (col. 3 line 71 through col. 4 line 2) the insulating layer 32 is made of barium titanate which is known to be transparent dielectric material (as evidenced by USPN 5,069,815 to Aoki et al. col. 4 lines 50-55).

Regarding claims 7 and 8 Sack discloses the carrier consists of glass.

Regarding claim 9 Sack discloses the contact layer is contacted using its own busbar 36.

Regarding claim 10 Sack discloses (col. 4 lines 30-40) the busbar is made of silver.

Regarding claims 11, 12 and 14 Sack discloses (col. 2 lines 69-71, col. 3 lines 33-46) the image area is divided into multiple non-coherent partial image areas according to different back electrodes, bus bars ( an electroluminescent layer with elemental back electrode forming a single light producing element ) where each area can be activated individually or in groups (plurality of light producing elements).

Regarding claim 13 Sack discloses the contact layer 30 contacts the rear electrode layer directly in the region of the recess.

### ***Response to Arguments***

Applicant's arguments filed December 22, 2009 have been fully considered but they are not persuasive.

In response to Applicant's argument that Sack does not disclose an insulating layer has a recess in an area of the rear electrode layer the Examiner respectfully disagrees. Sack does shows clearly in Figs. 1, 3 a rear electrode 26 in a region of majority of the image area and an insulating layer 28 which has recess in the area of the rear electrode 26.

Regarding applicant's argument that the conductive layer 30 of Sack cannot be both recess and contact layer the Examiner agrees and respectfully submits that Sack discloses 30 as the contact layer situated on at least part of the insulating layer 28 for contacting the rear electrode. It is noted that Sack discloses the contact layer(connective electrodes or conductive pillars) 30 are formed through the insulating layer and hence it is inherent that there is recess in the insulating layer through which the contact layer passes and contacts the rear electrode.

In response to applicant's argument that the reference of Sack fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies i.e., the an area of each of the rear electrode layer fits in the recess and

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rear electrodes are isolated and separated from each other by being in its respective recess of the insulation layer are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sikha Roy/

Primary Examiner, Art Unit 2879